

REMARKS

Claims 1-24 and 28-31 will be pending upon entry of the present amendment. Claims 1, 9, 10, 13, 19-21, 28, and 29 are amended, and claims 25-27 and 32-33 are cancelled. No new matter is added by the present amendment.

The present amendment is filed concurrently with a Notice of Appeal. Applicants note that, under 37 CFR § 1.116(b)(2), “[a]n amendment presenting rejected claims in better form for consideration on appeal may be admitted.” The present amendment is submitted, in particular, to place the rejected claims in better form for consideration on appeal, as explained hereafter, and therefore entry thereof is respectfully requested.

Claim 1 has been amended to incorporate the limitations of claim 25. As a result, the rejection of claims 1 and 25 in the last Office Action need not be separately argued by the Applicants, nor separately considered by the board. Instead, Applicants can direct arguments to the allowability of the combined claim, thereby reducing the claims and arguments to be considered. The issues on appeal are thus simplified to that extent. Likewise, the amendments of claims 9, 10, 13, and 21, which incorporate the limitations, respectively, of dependent claims 26, 27, 32, and 33, reduce the number of claims to be argued and therefore further simplify the issues on appeal. For at least these reasons, with the present amendment, the claims are in better form for consideration on appeal.

Claims 28 and 29 have been rewritten in independent form, incorporating all of the limitations of their respective base claims.

In addition to the amendments outlined above, claims 9, 19, and 20 have been amended to address objections raised by the Examiner, and thus place the respective claims in better form for consideration on appeal, as explained below.

Claim 9 is objected to as reciting, at line 2, “a device for reactivation from standby,” and, at line 4, “the device for reactivation for standby.” Claim 9 is amended to correct this inconsistency in language.

Claims 19-20 are objected to as being inconsistent with the language of their base claim 13. Claims 19 and 20 are amended to conform to the language of claim 13 as currently amended.

The rejections of the claims under 35 U.S.C. § 103 will not be discussed here but will be addressed in detail in an Appeal Brief to be filed hereafter.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Harold H. Bennett II/

Harold H. Bennett II
Registration No. 52,404

HHB:lch

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1348520_2.DOC